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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/477,389

Filing Date: January 04, 2000

Appellant(s): KNOX ET AL.

Antony P. Ng
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 5/25/2004.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

No amendment after final has been filed.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The appellant's statement of the grouping of the claims in the brief is correct.

(8) *ClaimsAppealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

Connery et al., U.S. Patent Number 6,311,276 B1, issued on October 10, 2001, but filed on August 25, 1998 (hereinafter Connery).

Angelo et al., U.S. Patent Number 6,418,533 B2, issued on July 9, 2002, but filed on August 29, 1997 (hereinafter Angelo).

Spicer, John, U.S. Patent Number 6,097,760, issued on August 1, 2000, but filed on December 15, 1997 (hereinafter Spicer).

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Connery et al, U.S. Patent Number 6,311,276, in view of Angelo et al, U.S. Patent Number 6,418,533.

As per claim 1, Connery et al taught the invention substantially as claimed including a data processing network (col.4, lines 31-52) comprising:

- a. A server computer system (col.4, lines 46-49);

- b. A portable client computer system capable of communicating with said server computer system (col.1, lines 23-27, col.4, lines 31-38, 43-47, col.5, lines 16-18); and
- c. A control means, connected to said server computer system, for issuing a wake-up request to said portable client computer system via a connection to switch said portable client computer system to a normal operating state from a low-power or off state (col.1, lines 23-27, col.3, lines 63-67, col.4, lines 53-60, col.5, lines 26-36), and for issuing a request to said portable client computer system via said connection to disable said portable client computer system (col.1, lines 17-20, col.5, lines 11-26); and
- d. A network adapter, connected to said portable client computer system, for disabling said portable client computer system from further operations in response to said request (col.1, lines 17-20, 28-30, col.5, lines 11-26).

Connery et al did not specifically teach that the communication between the server and the client is wireless and the request is issued via a wireless connection. Angelo et al taught a system able to issue requests to said portable client computer system via said connection to disable said portable client computer system (col.3, lines 9-15, col.4, lines 17-28) with a network adapter connected to said portable client computer system, for disabling said portable client computer system from further operations in response to said request (col.3, lines 8-9, 33-37, col.4, lines 28-30, col.5, lines 36-39) using a wireless communication (RF). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Connery et al and Angelo et al and replace the network to wireless connections, such as wireless LAN, to Connery et al's system because Angelo et al's teaching of using

wireless connections enable the system to provide remote disabling to wireless devices such as cellular phones (col.5, lines 56-59). Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Connery et al and Angelo et al because Angelo et al's teaching of securing portable devices help to secure Connery et al's system and files after the portable device has been lost or stolen (col.3, lines 59-61).

As per claim 2, Connery et al and Angelo et al taught the invention substantially as claimed in claim 1. Angelo et al further taught wherein the wireless connection is a satellite data link (col.3, lines 55-57, col.4, lines 24-29). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Connery et al and Angelo et al and replace the network to wireless connections, such as wireless LAN, to Connery et al's system because Angelo et al's teaching of using wireless connections enable the system to provide remote disabling to wireless devices such as cellular phones (col.5, lines 56-59).

As per claim 4, Connery et al and Angelo et al taught the invention substantially as claimed in claim 1. Connery et al further taught that the wherein the wake-up request includes a Wake-on-LAN frame (col.2, lines 3-6, col.5, lines 26-32).

Claim 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Connery et al, U.S. Patent Number 6,311,276, and Angelo et al, U.S. Patent Number 6,418,533, as applied to claims 1-2 and 4 above, and further in view of Spicer, U.S. Patent Number 6,097,760.

As per claim 3, Connery et al and Angelo et al taught the invention substantially as claimed in claim 1. They did not specifically teach that the wireless connection is a DECT link. Spicer taught a data communication system using a DECT link as the wireless connection

between the controlling system and the client computer system (col.1, lines 51-58, col.2, lines 12-14, 57-63, col.3, lines 61-65). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Connery et al, Angelo et al and Spicer because Spicer's teaching of using DECT link as the wireless connection enables Connery et al and Angelo et al's system for use in a radio in a local loop system.

(11) Response to Argument

The examiner summarizes the various points raised by the appellant and addresses replies individually.

As per appellant's argued that:

(1) Connery does not teach or suggest the claimed control means. The claimed control means is distinguished from Conney's power management circuit **30** because Conney's power management circuit **30** is located within an end station instead of within a server computer system, as claimed. Connery teaches the waking up of a computer that has gone asleep and not the disabling of the portable client computer system, as claimed (see page 5, lines 12-29 of the brief). Angelo does not teach or suggest the claimed control means either.

In Reply to argument (1): It appears appellant is associating the claimed "control means" with Connery's "power management circuit **30**". This is a misinterpretation of the examiner's rejection and Connery. The examiner agrees that the power management circuit **30** of Conney is located in the end stations, not the network management station **21**, however this is not what the examiner relied upon in the rejections. Connery clearly shows a secure Wake On LAN protocol support feature (e.g., control means, see fig.1, col.4, lines 46-49, 53-60) within

network management station **21** (e.g. server computer system, see col.4, lines 46-49, 53-60) to issue commands such as wake-up commands to an end station (e.g. client computer system) in the network (col.1, lines 23-27, col.2, lines 3-12, col.3, lines 63-67, col.4, lines 46-60, col.5, lines 26-36). This clearly reads on appellant's claim language "a control means (secure Wake On LAN protocol support feature), connected to said server computer system (network management station, **21**), for issuing a wake-up request (wake-up, boot, reset, col.2, lines 3-12) to said portable client computer system (end stations, **10, 11 or 12**) via a connection to switch said portable client computer system to a normal operating state from a low-power or off state (wake-up, boot, reset, col.2, lines 3-12), and for issuing a request to said portable client computer system via said connection to disable said portable client computer system (power down, col.2, lines 3-12)."

In regarding to appellant's argument that Connery teaches the waking up of a computer that has gone asleep and not the disabling of the portable client computer system. The examiner disagrees. Connery specifically taught that the client computer system could be disabled (col.2, lines 3-12, col.5, lines 18-26). Connery taught to issue commands that allow a personal computer to go completely asleep (disabled) or to go to various levels of reduced functionality and power consumption depending on the particular environment of the device (col.5, lines 18-36). Connery also taught to issue commands from network management stations **21** to power down (col.2, lines 3-12) the remote end station. This clearly reads on the claim language "for issuing a request (command, col.2, lines 3-12) to said portable client computer system (col.4, lines 31-36, 60-64, col.5, lines 11-32, fig.1, **10, 11 and 12**) via said connection to disable (power down, col.2, lines 3-12) said portable client computer system."

Examiner did not rely upon Angelo reference in rejecting the claimed control means.

(2) Neither Connery nor Angelo teaches or suggests the claimed network adapter.

Connery's teaching of the network adapter is different from the claimed network adapter that is "capable of disabling said portable client computer system form further operations in response to said request". Angelo's teaching differs from "responding to a request from the control means within the server computer system". The references, whether considered separately or in combination, do not teach or suggested the claimed invention (see page 6, lines 5-29 of the brief).

In Reply to argument (2): Connery taught in column 1, lines 28-30 stating that "The Wake On LAN feature of network adapter cards in personal computers allows network administrators to remotely boot powered off end systems" and taught to place Wake On LAN network interface cards in association with each end station (col.4, lines 31-36, 60-64, col.5, lines 11-32, see figs, 1 and 2, Secure W.O.L NIC, **13, 14 and 15**). Connery taught to issue commands from network management stations **21** to power down (col.2, lines 3-12) the remote end station. This clearly reads on the claim language "a network adapter (Secure W.O.L NIC, fig.1, **13, 14 and 15**), connected to said portable client computer system (e.g. client computer system, see fig.1, **10, 11 and 12**), for disabling said portable client computer system from further operations in response to said request (col.1, lines 28-30, col.2, lines 3-12, col.5, lines 11-36)." Angelo taught a system able to issue requests to the portable client computer system via the connection to disable the portable client computer system (col.3, lines 9-15, col.4, lines 17-28) with a network adapter (col.3, lines 8-9, FR receiver unit, referred interfacing hardware in lines

33-37 of column 3 and as electronic options circuit 295 in column 5, lines 36-39) connected to the portable client computer system, for disabling the portable client computer system from further operations in response to the request (col.3, lines 8-9, 33-37, col.4, lines 28-30, 36-44, col.5, lines 36-39) by issuing an “locate and lock” sequence of requests. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Connery et al and Angelo et al because Angelo et al’s teaching of securing portable devices help to secure Connery et al’s system and files after the portable device has been lost or stolen (Angelo, col.3, lines 59-61). Angelo further taught to use a wireless communication (RF) in issuing the requests between the client and the server (col.3, lines 8-9, 33-37, col.4, lines 24-29). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Connery et al and Angelo et al and replace the network to wireless connections, such as wireless LAN, to Connery et al’s system because Angelo et al’s teaching of using wireless connections enable the system to provide remote disabling to wireless devices such as cellular phones (col.5, lines 56-59). Therefore, the combination of references does teach the claimed invention.

(3) Claimed network adapter and control means are located in separate computer systems. Neither Connery nor Angelo teaches or suggest each of the claimed network adapter and the claimed control means to be located in separate computer systems (see page 7 of the brief). Note: appellant argued in the header and lines 6-7 of argument III that “Neither Connery nor Angelo teaches or suggests each of the claimed network adapter and the claimed network adapter to be located in a separate computer system” but stated in lines 3-6 that claimed control means is

located in a computer system different form that of the claimed network adapter with support of claim language from Claim 1 (see page 7 of the brief). Since the claim language introduced only one network adapter, examiner concludes that the statement of “The claimed network adapter and the claimed network adapter are located in a separate computer system” is meant to be “The claimed control means and the claimed network adapter to be located in a separate computer system”.

In Reply to argument (3): It appears appellant is associating the claimed “control means” with Connery’s “power management circuit **30**”. This is a misinterpretation of the examiner’s rejection and Connery. The examiner agrees that the power management circuit **30** of Conney is located in the end stations not the network management station **21**, however this is not what the examiner relied upon in the rejections. Connery clearly shows a secure Wake On LAN protocol support feature (e.g. control means, see fig.1, col.4, lines 46-49, 53-60) within network management station **21** (e.g. server computer system, see col.4, lines 46-49, 53-60), for issuing commands such as wake-up commands to an end station (e.g. client computer system, see col.4, lines 31-36, 60-64, col.5, lines 11-32, figs, 1 and 2) in the network (col.1, lines 23-27, col.2, lines 3-12, col.3, lines 63-67, col.4, lines 46-60, col.5, lines 26-36), and Wake On LAN network interface cards (e.g. network adapter, see figs.1 and 2, Secure W.O.L NIC, **13**, **14** and **15**) placed within the end stations (e.g. client computer system, see col.4, lines 31-36, 60-64, col.5, lines 11-32, figs, 1 and 2). Figure 1 clearly shows that the Wake On LAN protocol support feature (e.g. control means) is located within the network management station **21** (e.g. server computer system) and the network interface cards **13**, **14** or **15** (e.g. network adapter) are located within the end stations **10**, **11** or **12** (e.g. client computer system, see also fig.2) respectfully,

where the network management station **21** and end stations are separate computing systems.

Therefore, the combination of references does teach the claimed invention.

Art Unit: 2154

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

ksl
August 17, 2004

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